

IC 8-4-31

Chapter 31. Railroad's Liability for Fire Damage

IC 8-4-31-1

Insurance; actions against railroads

Sec. 1. Each railroad corporation owning or operating a railroad in this state shall be responsible in damage to every person or corporations whose property may be injured or destroyed by fire communicated directly or indirectly by locomotive engines in use upon the railroad owned or operated by such railroad corporations, and each such railroad corporation shall have an insurable interest in the property upon the route of the railroad owned or operated by it, and may procure insurance thereon in its own behalf for its protection against such damages; Provided, In all actions instituted under this chapter, the burden of proving the defense of contributory negligence shall be upon the defendant; Such defense may be provided without special plea; Provided, That this chapter shall not be construed to prevent or affect in any wise fire clauses which may be inserted in contracts between railroad companies and other parties relative to the construction of and operation over private sidetracks; Provided further, That the liability imposed herein shall also include reimbursement to volunteer fire departments for fighting fires caused by any railroad corporation.

(Formerly: Acts 1911, c.107, s.1; Acts 1972, P.L.62, SEC.1.)

IC 8-4-31-2

"Railroad corporations" defined

Sec. 2. The term "railroad corporations" contained in this chapter shall be deemed and taken to mean all corporations, companies, and individuals which on or after April 21, 1911, own or operate any railroad within this state.

(Formerly: Acts 1911, c.107, s.2.) As amended by P.L.62-1984, SEC.84.